

72-7-101. Title.

This chapter is known as the "Protection of Highways Act."

Enacted by Chapter 270, 1998 General Session

72-7-102. Excavations, structures, or objects prohibited within right-of-way except in accordance with law -- Permit and fee requirements -- Rulemaking -- Penalty for violation.

(1) As used in this section, "management costs" means the reasonable, direct, and actual costs a highway authority incurs in exercising authority over the highways under its jurisdiction.

(2) Except as provided in Subsection (3) and Section 54-4-15, a person may not:

(a) dig or excavate, within the right-of-way of any state highway, county road, or city street; or

(b) place, construct, or maintain any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the right-of-way.

(3) (a) A highway authority having jurisdiction over the right-of-way may allow excavating, installation of utilities and other facilities or access under rules made by the highway authority and in compliance with federal, state, and local law as applicable.

(b) (i) The rules may require a permit for any excavation or installation and may require a surety bond or other security.

(ii) The application for a permit for excavation or installation on a state highway shall be accompanied by a fee established under Subsection (4)(f).

(iii) The permit may be revoked and the surety bond or other security may be forfeited for cause.

(4) (a) Except as provided in Section 72-7-108 with respect to the department concerning the interstate highway system, a highway authority may require compensation from a utility service provider for access to the right-of-way of a highway only as provided in this section.

(b) A highway authority may recover from a utility service provider, only those management costs caused by the utility service provider's activities in the right-of-way of a highway under the jurisdiction of the highway authority.

(c) (i) A fee or other compensation under this Subsection (4) shall be imposed on a competitively neutral basis.

(ii) If a highway authority's management costs cannot be attributed to only one entity, the management costs shall be allocated among all privately owned and government agencies using the highway right-of-way for utility service purposes, including the highway authority itself. The allocation shall reflect proportionately the management costs incurred by the highway authority as a result of the various utility uses of the highway.

(d) A highway authority may not use the compensation authority granted under this Subsection (4) as a basis for generating revenue for the highway authority that is in addition to its management costs.

(e) (i) A utility service provider that is assessed management costs or a

franchise fee by a highway authority is entitled to recover those management costs.

(ii) If the highway authority that assesses the management costs or franchise fees is a political subdivision of the state and the utility service provider serves customers within the boundaries of that highway authority, the management costs may be recovered from those customers.

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall adopt a schedule of fees to be assessed for management costs incurred in connection with issuing and administering a permit on a state highway under this section.

(g) In addition to the requirements of this Subsection (4), a telecommunications tax or fee imposed by a municipality on a telecommunications provider, as defined in Section 10-1-402, is subject to Section 10-1-406.

(5) Permit fees collected by the department under this section shall be deposited with the state treasurer and credited to the Transportation Fund.

(6) Nothing in this section shall affect the authority of a municipality under:

(a) Section 10-1-203 or 10-1-203.5;

(b) Section 11-26-1;

(c) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act; or

(d) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.

(7) A person who violates the provisions of Subsection (2) is guilty of a class B misdemeanor.

Amended by Chapter 289, 2012 General Session

72-7-103. Limitation on access authority.

A highway authority may not deny reasonable ingress and egress to property adjoining a public highway except where:

(1) the highway authority acquires right of ingress and egress by gift, agreement, purchase, eminent domain, or otherwise; or

(2) no right of ingress or egress exists between the right-of-way and the adjoining property.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-104. Installations constructed in violation of rules -- Rights of highway authorities to remove or require removal.

(1) If any person, firm, or corporation installs, places, constructs, alters, repairs, or maintains any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, outdoor advertising sign, or any other structure or object of any kind or character within the right-of-way of any highway without complying with this title, the highway authority having jurisdiction over the right-of-way may:

(a) remove the installation from the right-of-way or require the person, firm, or corporation to remove the installation; or

(b) give written notice to the person, firm, or corporation to remove the installation from the right-of-way.

(2) Notice under Subsection (1)(b) may be served by:

- (a) personal service; or
- (b) (i) mailing the notice to the person, firm, or corporation by certified mail; and
(ii) posting a copy on the installation for 10 days.
- (3) If the installation is not removed within 10 days after the notice is complete, the highway authority may remove the installation at the expense of the person, firm, or corporation.
- (4) A highway authority may recover:
 - (a) the costs and expenses incurred in removing the installation, serving notice, and the costs of a lawsuit if any; and
 - (b) \$10 for each day the installation remained within the right-of-way after notice was complete.
- (5) (a) If the person, firm, or corporation disputes or denies the existence, placement, construction, or maintenance of the installation, or refuses to remove or permit its removal, the highway authority may bring an action to abate the installation as a public nuisance.
(b) If the highway authority is granted a judgment, the highway authority may recover the costs of having the public nuisance abated as provided in Subsection (4).
- (6) The department, its agents, or employees, if acting in good faith, incur no liability for causing removal of an installation within a right-of-way of a highway as provided in this section.
- (7) The actions of the department under this section are not subject to the provisions of Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

72-7-105. Obstructing traffic on sidewalks or highways prohibited.

- (1) A person may not:
 - (a) drive or place any vehicle, animal, or other thing upon or along any sidewalk except in crossing the sidewalk to or from abutting property; or
 - (b) permit the vehicle, animal, or other thing to remain on or across any sidewalk in a way that impedes or obstructs the ordinary use of the sidewalk.
- (2) (a) Except under Subsection (2)(b), vehicles, building material, or other similar things may be placed temporarily on highways in a manner that will not impede, endanger, or obstruct ordinary traffic.
(b) A highway authority may prohibit or may require the removal of vehicles, building material, or other obstructions on any highway under their jurisdiction.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-106. Gates on class B and D roads.

- (1) As used in this section, "county road" means:
 - (a) a class B road as defined in Section 72-3-103; and
 - (b) a class D road as defined in Section 72-3-105.
- (2) The county executive of a county may authorize the erection or maintenance of a gate on a county road in order to avoid the necessity of building highway fences.
- (3) The person for whose immediate benefit a gate is erected or maintained

shall in all cases bear the expense.

(4) Nothing contained in Section 72-7-105 shall be construed to prohibit a person from placing an unlocked, nonrestrictive gate across a county road, or maintaining the same, with the authorization of the county executive of that county.

(5) (a) A gate is not allowed on a county road unless authorized by the county executive in accordance with the provisions of this section.

(b) If the expense of the erection and maintenance of the gate is not paid or if a lock or other device is placed upon the gate so as to make it restrictive, the county executive of that county shall notify the responsible party that county approval is terminated and the gate is considered to be an obstruction under Section 72-7-105.

(6) The placement or maintenance of a gate with the authorization of the county executive across a county road does not constitute or establish an abandonment under Section 72-5-105 or 72-5-305 by the county and does not establish an easement on behalf of the person establishing the gate.

(7) A person who commits any of the following acts is guilty of a class B misdemeanor and is liable for all damages suffered by a party as a result of the acts:

(a) leaves open a gate, erected or maintained under this section;

(b) unnecessarily drives over the ground adjoining the highway on which a gate is erected;

(c) places a lock or other restrictive device on a gate; or

(d) violates a rule or regulation of a county legislative body relating to the gates within the county.

Amended by Chapter 239, 2003 General Session

72-7-107. Public safety program signs -- Permits.

(1) As used in this section, "public safety program sign" means a sign, placed on or adjacent to a highway, that is promoting a highway safety program or highway safety practice, or a crime or drug abuse prevention program that is being sponsored by the department, the Department of Public Safety, or a local law enforcement agency.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to allow public safety program signs on state highways by permit. The rules shall contain reasonable terms and conditions:

(a) that are no more restrictive than motorist service signing requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways adopted under Section 41-6a-301; and

(b) for granting and maintaining a permit.

Amended by Chapter 382, 2008 General Session

72-7-108. Longitudinal telecommunication access in the interstate highway system -- Definitions -- Agreements -- Compensation -- Restrictions -- Rulemaking.

(1) As used in this section:

(a) "Longitudinal access" means access to or use of any part of a right-of-way of a highway on the interstate system that extends generally parallel to the right-of-way for

a total of 30 or more linear meters.

(b) "Statewide telecommunications purposes" means the further development of the statewide network that meets the telecommunications needs of state agencies and enhances the learning purposes of higher and public education.

(c) "Telecommunication facility" means any telecommunication cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment, or other equipment, system, and device used to transmit, receive, produce, or distribute via wireless, wireline, electronic, or optical signal for communication purposes.

(2) (a) Except as provided in Subsection (4), the department may allow a telecommunication facility provider longitudinal access to the right-of-way of a highway on the interstate system for the installation, operation, and maintenance of a telecommunication facility.

(b) The department shall enter into an agreement with a telecommunication facility provider and issue a permit before granting it any longitudinal access under this section.

(i) Except as specifically provided by the agreement, a property interest in a right-of-way may not be granted under the provisions of this section.

(ii) An agreement entered into by the department under this section shall:

(A) specify the terms and conditions for the renegotiation of the agreement;

(B) specify maintenance responsibilities for each telecommunication facility;

(C) be nonexclusive; and

(D) be limited to a maximum term of 30 years.

(3) (a) The department shall require compensation from a telecommunication facility provider under this section for longitudinal access to the right-of-way of a highway on the interstate system.

(b) The compensation charged shall be:

(i) fair and reasonable;

(ii) competitively neutral;

(iii) nondiscriminatory;

(iv) open to public inspection;

(v) established to promote access by multiple telecommunication facility providers;

(vi) established for zones of the state, with zones determined based upon factors that include population density, distance, numbers of telecommunication subscribers, and the impact upon private right-of-way users;

(vii) established to encourage the deployment of digital infrastructure within the state;

(viii) set after the department conducts a market analysis to determine the fair and reasonable values of the right-of-way based upon adjacent property values;

(ix) a lump sum payment or annual installment, at the option of the telecommunications facility provider; and

(x) set in accordance with Subsection (3)(f).

(c) (i) The compensation charged may be cash, in-kind compensation, or a combination of cash and in-kind compensation.

(ii) In-kind compensation requires the agreement of both the telecommunication

facility provider and the department.

(iii) The department shall, in consultation with the Telecommunications Advisory Council created in Section 72-7-109, determine the present value of any in-kind compensation based upon the incremental cost to the telecommunication facility provider.

(iv) The value of in-kind compensation or a combination of cash and in-kind compensation shall be equal to or greater than the amount of cash compensation that would be charged if the compensation is cash only.

(d) (i) The department shall provide for the proportionate sharing of costs among the department and telecommunications providers for joint trenching or trench sharing based on the amount of conduit innerduct space that is authorized in the agreement for the trench.

(ii) If two or more telecommunications facility providers are required to share a single trench, each telecommunications facility provider in the trench shall share the cost and benefits of the trench in accordance with Subsection (3)(d)(i) on a fair, reasonable, competitively neutral, and nondiscriminatory basis.

(e) The market analysis under Subsection (3)(b)(viii) shall be conducted at least every five years and any adjustments warranted shall apply only to agreements entered after the date of the new market analysis.

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall establish a schedule of rates of compensation for any longitudinal access granted under this section.

(4) The department may not grant any longitudinal access under this section that results in a significant compromise of the safe, efficient, and convenient use of the interstate system for the traveling public.

(5) The department may not pay any cost of relocation of a telecommunication facility granted longitudinal access to the right-of-way of a highway on the interstate system under this section.

(6) (a) Monetary compensation collected by the department in accordance with this section shall be deposited with the state treasurer and credited to the Transportation Fund.

(b) Any telecommunications capacity acquired as in-kind compensation shall be used:

(i) exclusively for statewide telecommunications purposes and may not be sold or leased in competition with telecommunication or Internet service providers; and

(ii) as determined by the department after consultation with the Telecommunications Advisory Council created in Section 72-7-109.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:

(a) governing the installation, operation, and maintenance of a telecommunication facility granted longitudinal access under this section;

(b) specifying the procedures for establishing an agreement for longitudinal access for a telecommunication facility provider;

(c) providing for the relocation or removal of a telecommunication facility for:

(i) needed changes to a highway on the interstate system;

(ii) expiration of an agreement; or

- (iii) a breach of an agreement; and
- (d) providing an opportunity for all interested providers to apply for access within open right-of-way segments.
- (8) (a) Except for a right-of-way of a highway on the interstate system, nothing in this section shall be construed to allow a highway authority to require compensation from a telecommunication facility provider for longitudinal access to the right-of-way of a highway under the highway authority's jurisdiction.
- (b) Nothing in this section shall affect the authority of a municipality under:
 - (i) Section 10-1-203;
 - (ii) Section 11-26-1;
 - (iii) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act; or
 - (iv) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act.
- (9) Compensation paid to the department under Subsection (3) may not be used by any person as evidence of the market or other value of the access for any other purpose, including condemnation proceedings, other litigation, or the application of rates of taxation or the establishment of franchise fees relating to longitudinal access rights.

Amended by Chapter 382, 2008 General Session

72-7-109. Telecommunications Advisory Council -- Membership -- Duties.

- (1) As used in this section:
 - (a) "Council" means the Telecommunications Advisory Council created in this section.
 - (b) "Statewide telecommunications purposes" has the same meaning provided in Section 72-7-108.
- (2) (a) There is created within the department the Telecommunication Advisory Council consisting of six members who represent:
 - (i) the governor's chief advisor on telecommunications;
 - (ii) the Public Service Commission;
 - (iii) the department;
 - (iv) the Utah Education and Telehealth Network;
 - (v) the Division of Purchasing and General Services within the Department of Administrative Services; and
 - (vi) the Division of Public Utilities within the Department of Commerce.
- (b) The members shall be appointed by the governor with the consent of the Senate.
- (3) (a) The members shall annually elect a chair from its members.
- (b) The council shall meet as it determines necessary to accomplish its duties.
- (c) A majority of the council constitutes a quorum for the transaction of business.
- (d) Members shall receive no compensation or benefits for their services.
- (4) (a) The department shall provide staff support for the council.
- (b) The council may request assistance from other technical advisors as it determines necessary to accomplish its duties.
- (5) The council shall:
 - (a) provide information, suggestions, strategic plans, priorities, and

recommendations to assist the department in administering telecommunications access to interstate highway rights-of-way for statewide telecommunications purposes;

(b) assist the department in valuing in-kind compensation in accordance with Subsection 72-7-108(3)(c);

(c) seek input from telecommunications providers and the public;

(d) coordinate and exchange information with other technology and telecommunications entities of the state and its political subdivisions; and

(e) provide other assistance as requested by the department.

Amended by Chapter 63, 2014 General Session

72-7-110. Memorial signs honoring highway patrol officers.

(1) (a) The Utah Department of Transportation may erect memorial signs along state highways, honoring Utah Highway Patrol officers who have been killed in the line of duty.

(b) The memorial signs shall:

(i) be located in the community of the fallen trooper that the memorial is intended to honor; and

(ii) correlate with, and where possible conform to, the sign requirements in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways adopted under Section 41-6a-301.

(2) Memorial signs erected in accordance with this section shall be funded by:

(a) any voluntary contributions the department receives for the memorial signs;

(b) funds appropriated by the Legislature to the department for memorial signs under this section; or

(c) a combination of the funds available under Subsections (2)(a) and (b).

Enacted by Chapter 42, 2012 General Session

72-7-201. Purpose.

The regulation of junkyards in areas adjacent to any state highway included in the national system of interstate and primary highways is a statewide public purpose and necessary to promote the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering on the highways.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-202. Definitions.

As used in this part:

(1) "Automobile graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(2) "Junk" means old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, junked, dismantled, or wrecked automobiles or their parts, and iron, steel, and other old or scrap ferrous or nonferrous material.

(3) "Junkyard" means any place, establishment, or business maintained, used, or operated for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. Junkyard includes a salvage yard, war surplus yard, garbage dump, recycling facility, garbage processing facility, and sanitary land fill.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-203. License required.

(1) A person may not establish, operate, or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or federal-aid primary highway, without obtaining a license from the department under this part.

(2) A municipality may adopt ordinances, not in conflict with this part, to regulate the creation or maintenance of junkyards of any type within 660 feet of the right-of-way of designated state and federal highways within the jurisdictional limits of the adopting municipality.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules, not in conflict with this part, to regulate the creation and maintenance of junkyards within 660 feet of the right-of-way of designated federal and state highways outside the jurisdictional limits of a municipality.

Amended by Chapter 382, 2008 General Session

72-7-204. Issuance of licenses -- Fees -- Duration -- Renewal -- Disposition of proceeds.

(1) The department has the sole authority to issue licenses for the establishment, maintenance, and operation of junkyards within the limits defined in Section 72-7-203, and shall charge a \$10 license fee payable annually in advance.

(2) All licenses issued under this section expire on the first day of January following the date of issue. Licenses may be renewed from year to year upon payment of the requisite fee.

(3) Proceeds from the license fee shall be deposited with the state treasurer and credited to the Transportation Fund.

Amended by Chapter 21, 1999 General Session

72-7-205. Conditions for licensing of junkyard within 1,000 feet of highway.

(1) The department may not grant a license for the establishment, maintenance, or operation of a junkyard within 1,000 feet of the nearest edge of the right-of-way of any highway on the interstate or primary systems unless the junkyard is:

(a) screened by natural objects, plantings, fences, or other appropriate means so the junkyard is not visible from the main-traveled-way of the system; and

(b) (i) located within areas that are zoned for industrial use under county or municipal ordinances; or

(ii) located within unzoned industrial areas, determined by actual land uses as

defined by rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) A junkyard controlled by this part may not be expanded or have its use extended except by permission of the department under rules made by the department.

Amended by Chapter 382, 2008 General Session

72-7-206. Screening of existing junkyards.

(1) The department shall screen any junkyard lawfully in existence on May 9, 1967, which is located within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled-way of any highway on the interstate or primary system.

(2) The screening shall be at locations on the right-of-way or in areas outside the right-of-way acquired for that purpose and may not be visible from the main-traveled-way of the interstate or federal-aid primary systems.

(3) The department may not install junkyard screening under this section unless:

(a) the necessary federal funds for participation have been appropriated by the federal government and are immediately available to the state; and

(b) the department has received approval to seek federal grants, loans, or participation in federal programs under Title 63J, Chapter 5, Federal Funds Procedures.

Amended by Chapter 382, 2008 General Session

72-7-207. Junkyards not adaptable to screening -- Authority of department to acquire land -- Compensation.

(1) If the department determines that the topography of the land adjoining the interstate and primary systems will not permit adequate screening of junkyards or that screening would not be economically feasible, the department may acquire by gift, purchase, exchange, or eminent domain the interests in lands necessary to secure the relocation, removal, or disposal of the junkyards.

(2) If the department determines that it is in the best interests of the state, it may acquire lands, or interests in lands, necessary to provide adequate screening of junkyards.

(3) The acquisitions provided for in this section may not be undertaken unless:

(a) the necessary federal funds for participation have been appropriated by the federal government and are immediately available to the state; and

(b) the department has received approval to seek federal grants, loans, or participation in federal programs under Title 63J, Chapter 5, Federal Funds Procedures.

(4) Damages resulting from any taking of property in eminent domain shall be ascertained in the manner provided by law.

(5) Just compensation shall be paid the owner for the relocation, removal, or disposal of a junkyard lawfully established under the laws of this state and which must be relocated, removed, or disposed of under this part.

Amended by Chapter 382, 2008 General Session

72-7-208. Junkyard operated in violation of provisions is public nuisance

-- Abatement -- Adjudicative proceedings -- Judicial review -- Costs of abatement.

(1) The establishment, operation, or maintenance of any junkyard contrary to the provisions of this part is a public nuisance.

(2) The department shall:

(a) enforce the provisions of this part and administrative rules the department makes under this part; and

(b) except as provided in Subsection (3) and in its enforcement of the provisions of this part, comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.

(3) (a) The district court has jurisdiction to review by trial de novo all final orders of the department under this part resulting from formal and informal adjudicative proceedings.

(b) Venue for judicial review of final orders of the department is in the county in which the junkyard is located.

(4) If the department is granted a judgment, the department is entitled to take action necessary to cause the nuisance to be abated and is entitled to recover from the responsible person, firm, or corporation, jointly and severally:

(a) the costs and expenses incurred in abating the nuisance; and

(b) \$10 for each day the junkyard was maintained following the expiration of 10 days after notice of agency action was filed and served under Section 63G-4-201.

Amended by Chapter 140, 2008 General Session

72-7-209. Enforcement authority -- Agreements with United States.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules:

(a) governing the materials that may be used for screening and the location, construction, and maintenance of screening for junkyards; and

(b) implementing and enforcing this part.

(2) The department may:

(a) enter into agreements with the secretary pursuant to Title 23, United States Code as amended, relating to the control of junkyards in areas adjacent to the interstate and primary systems; and

(b) take action in the name of the state to comply with the terms of the agreements.

Amended by Chapter 382, 2008 General Session

72-7-210. Present ordinances or regulations may be stricter.

Nothing in this part affects the provisions of any lawful ordinance or regulation which is more restrictive than the provisions of this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-301. Liability for damage to highway, highway equipment, or highway sign -- Liability for damage to highway from illegal operation of oversize or

overweight vehicles -- Recovery.

(1) A person who by any means willfully or negligently injures or damages any highway, highway equipment, or highway sign is liable for the damage.

(2) A person who operates or moves any vehicle or object on any highway is liable for all damage that the highway sustains from:

(a) any illegal operation or movement of a vehicle or object; and

(b) any vehicle or object that exceeds the maximum size, weight, or load limitations specified by law, with or without authority of an oversize or overweight permit.

(3) (a) Except under Subsection (3)(b), if the operator is not the owner of the vehicle or object but is operating or moving the vehicle or object with the express or implied permission of the owner, the owner and operator are jointly and severally liable under Subsection (2) for any damage caused to a highway by the operation or movement of the vehicle or object.

(b) An operator who is not the owner of the vehicle or object and who under an express or implied condition of his employment or any privilege related to his employment is required to operate or move a vehicle or object in violation of Part 4, Vehicle Size, Weight, and Load Limitations, is not liable for any damage caused to a highway by the illegal operation or movement of the vehicle or object.

(4) The value of the property damaged may be recovered in a civil action brought by the highway authority having jurisdiction over the property damaged.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-302. Damage to signs, warnings, or barriers -- Penalty.

(1) A person is guilty of a class B misdemeanor who willfully and unlawfully removes, defaces, or interferes with any highway sign, signal, notice, warning, or barrier.

(2) A person who commits an offense under Subsection (1) that results in an injury to a person or damage to property is guilty of a class A misdemeanor.

Amended by Chapter 140, 2008 General Session

72-7-303. Escaping water and other obstructions -- Injuring or obstructing highway -- Penalty for violations.

(1) A person may not willfully or carelessly:

(a) obstruct or damage any public highway by causing or permitting flow or seepage of water;

(b) permit water under the person's control to escape in any manner that results in damage to a public highway;

(c) place or leave, or cause to be placed or left, anything upon a public highway in a way that obstructs travel or that endangers property or persons passing on the highway.

(2) A person who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-304. Injury to trees on highways -- Penalty for violations.

(1) A person may not dig up, cut down, or otherwise willfully damage or destroy any shade, ornamental, or other tree, planted and standing on any public highway in conformity to law.

(2) A person who violates this section is guilty of a class B misdemeanor and is liable to the owner of the tree for treble the amount of damages sustained.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-305. Driving animals over highways -- Liability for damages.

(1) Except for a livestock highway, a person who drives a herd of domestic animals over a public highway is liable for any damage done by the animals in destroying the banks or rolling rocks into or upon the highway.

(2) The damage may be recovered in a civil action brought by a highway authority having jurisdiction over the highway.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-306. Limited highways -- Penalty for driving animals over.

(1) A highway authority may declare a public highway that is laid out through improved lands that are not protected by fences along the lines of the highway passing through it, to be limited highways. A notice to that effect shall be posted at each end of a limited highway.

(2) A person who willfully drives any band or herd of domestic animals over a limited highway except during the time that the abutting lands are thrown open to the public by the owners for grazing purposes, is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-401. Application of size, weight, and load limitations for vehicles -- Exceptions.

(1) (a) Except as provided in Subsection (2), the maximum size, weight, and load limitations on vehicles under this part apply to all highways throughout the state.

(b) Local authorities may not alter the limitations except as expressly provided under Sections 41-6a-204 and 72-7-408.

(2) Except as specifically made applicable, the size, weight, and load limitations in this chapter do not apply to:

(a) fire-fighting apparatus;

(b) highway construction and maintenance equipment being operated at the site of maintenance or at a construction project as authorized by a highway authority;

(c) highway construction and maintenance equipment temporarily being operated between a material site and a highway maintenance site or a highway construction project if:

(i) the section of any highway being used is not located within a county of the first or second class;

(ii) authorized for a specific highway project by the highway authority having

jurisdiction over each highway being used;

(iii) the distance between the material site and maintenance site or highway construction project does not exceed 10 miles; and

(iv) the operator carries in the vehicle written verification of the authorization from the highway authority having jurisdiction over each highway being used;

(d) implements of husbandry incidentally moved on a highway while engaged in an agricultural operation or incidentally moved for repair or servicing, subject to the provisions of Section 72-7-407;

(e) vehicles transporting logs or poles from forest to sawmill:

(i) when required to move upon a highway other than the national system of interstate and defense highways;

(ii) if the gross vehicle weight does not exceed 80,000 pounds; and

(iii) the vehicle or combination of vehicles are in compliance with Subsections 72-7-404(1) and (2)(a); and

(f) tow trucks or towing vehicles under emergency conditions when:

(i) it becomes necessary to move a vehicle, combination of vehicles, special mobile equipment, or objects to the nearest safe area for parking or temporary storage;

(ii) no other alternative is available; and

(iii) the movement is for the safety of the traveling public.

(3) (a) Except when operating on the national system of interstate and defense highways, a motor vehicle carrying livestock as defined in Section 4-1-8, or a motor vehicle carrying raw grain if the grain is being transported by the farmer from his farm to market prior to bagging, weighing, or processing, may exceed by up to 2,000 pounds the tandem axle weight limitations specified under Section 72-7-404 without obtaining an overweight permit under Section 72-7-406.

(b) Subsection (3)(a) is an exception to Sections 72-7-404 and 72-7-406.

Amended by Chapter 2, 2005 General Session

72-7-402. Limitations as to vehicle width, height, length, and load extensions.

(1) (a) Except as provided by statute, all state or federally approved safety devices and any other lawful appurtenant devices, including refrigeration units, hitches, air line connections, and load securing devices related to the safe operation of a vehicle are excluded for purposes of measuring the width and length of a vehicle under the provisions of this part, if the devices are not designed or used for carrying cargo.

(b) Load-induced tire bulge is excluded for purposes of measuring the width of vehicles under the provisions of this part.

(c) Appurtenances attached to the sides or rear of a recreational vehicle that is not a commercial motor vehicle are excluded for purposes of measuring the width and length of the recreational vehicle if the additional width or length of the appurtenances does not exceed six inches.

(2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

(3) A vehicle unladen or with a load may not exceed a height of 14 feet.

(4) (a) (i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45 feet including front and rear bumpers.

(ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not considered a single-unit vehicle.

(b) (i) Except as provided under Subsection (4)(b)(iii), a semitrailer, unladen or with a load, may not exceed a length of 48 feet excluding refrigeration units, hitches, air line connections, and safety appurtenances.

(ii) There is no overall length limitation on a truck tractor and semitrailer combination when the semitrailer length is 48 feet or less.

(iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53 feet may operate on a route designated by the department or within one mile of that route.

(c) (i) Two trailers coupled together, unladen or with a load, may not exceed an overall length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

(ii) There is no overall length limitation on a truck tractor and double trailer combination when the trailers coupled together measure 61 feet or less.

(d) All other combinations of vehicles, unladen or with a load, when coupled together, may not exceed a total length of 65 feet, except the length limitations do not apply to combinations of vehicles operated at night by a public utility when required for emergency repair of public service facilities or properties, or when operated under a permit under Section 72-7-406.

(5) (a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry any load extending more than three feet beyond the front of the body of the vehicle or more than six feet beyond the rear of the bed or body of the vehicle.

(b) A passenger vehicle may not carry any load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

(6) Any exception to this section must be authorized by a permit as provided under Section 72-7-406.

(7) Any person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 140, 2008 General Session

Amended by Chapter 382, 2008 General Session

72-7-403. Towing requirements and limitations on towing.

(1) (a) The draw-bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle to the other except:

(i) in the case of a connection between any two vehicles transporting poles, pipe, machinery, or structural material that cannot be dismembered when transported upon a pole trailer as defined in Section 41-6a-102; or

(ii) when operated under a permit under Section 72-7-406.

(b) When the connection between the two vehicles is a chain, rope, or cable, a red flag or other signal or cloth not less than 12 inches both in length and width shall be displayed on or near the midpoint of the connection.

(2) A person may not operate a combination of vehicles when any trailer, semitrailer, or other vehicle being towed:

- (a) whips or swerves from side to side dangerously or unreasonably; or
- (b) fails to follow substantially in the path of the towing vehicle.
- (3) A person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 304, 2012 General Session

72-7-404. Maximum gross weight limitation for vehicles -- Bridge formula for weight limitations -- Minimum mandatory fines.

- (1) (a) As used in this section:
 - (i) "Axle load" means the total load on all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart.
 - (ii) "Tandem axle" means two or more axles spaced not less than 40 inches nor more than 96 inches apart and having at least one common point of weight suspension.
- (b) The tire load rating shall be marked on the tire sidewall. A tire, wheel, or axle may not carry a greater weight than the manufacturer's rating.
- (2) (a) A vehicle may not be operated or moved on any highway in the state with:
 - (i) a gross weight in excess of 10,500 pounds on one wheel;
 - (ii) a single axle load in excess of 20,000 pounds; or
 - (iii) a tandem axle load in excess of 34,000 pounds.
- (b) Subject to the limitations of Subsection (3), the gross vehicle weight of any vehicle or combination of vehicles may not exceed 80,000 pounds.
- (3) (a) Subject to the limitations in Subsection (2), no group of two or more consecutive axles between the first and last axle of a vehicle or combination of vehicles and no vehicle or combination of vehicles may carry a gross weight in excess of the weight provided by the following bridge formula, except as provided in Subsection (3)(b):

$$W = 500 \{LN/(N-1) + 12N+36\}$$
 - (i) W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds.
 - (ii) L = distance in feet between the extreme of any group of two or more consecutive axles. When the distance in feet includes a fraction of a foot of one inch or more the next larger number of feet shall be used.
 - (iii) N = number of axles in the group under consideration.
- (b) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.
- (4) Any exception to this section must be authorized by an overweight permit as provided in Section 72-7-406.
- (5) (a) Any person who violates this section is guilty of a class B misdemeanor except that, notwithstanding Sections 76-3-301 and 76-3-302, the violator shall pay the largest minimum mandatory fine of either:
 - (i) \$50 plus the sum of the overweight axle fines calculated under Subsection (5)(b); or
 - (ii) \$50 plus the gross vehicle weight fine calculated under Subsection (5)(b).
- (b) The fine for each axle and a gross vehicle weight violation shall be

calculated according to the following schedule:

Number of Pounds Overweight	Axle Fine (Cents per Pound for Each Overweight Axle)	Gross Vehicle Weight Fine(Cents per Pound)
1 - 2,000	0	0
2,001 - 5,000	4	5
5,001 - 8,000	5	5
8,001 - 12,000	6	5
12,001 - 16,000	7	5
16,001 - 20,000	9	5
20,001 - 25,000	11	5
25,001 or more	13	5

Amended by Chapter 21, 1999 General Session

72-7-405. Measuring vehicles for size and weight compliance -- Summary powers of peace officers -- Penalty for violations.

(1) Any peace officer having reason to believe that the height, width, length, or weight of a vehicle and load is unlawful may require the operator to stop the vehicle and submit to a measurement or weighing of the vehicle and load.

(2) A peace officer may require that the vehicle be driven to the nearest scales or port-of-entry if the scales or port-of-entry is within three miles.

(3) (a) A peace officer, special function officer, or port-of-entry agent may measure or weigh a vehicle and vehicle load for compliance with this chapter.

(b) If, upon measuring or weighing a vehicle and load, it is determined that the height, width, length, or weight is unlawful, the measuring or weighing peace officer, special function officer, or port-of-entry agent may require the operator to park the vehicle in a suitable place. The vehicle shall remain parked until the vehicle or its load is adjusted or a portion of the load is removed to conform to legal limits. All materials unloaded shall be cared for by the owner or operator of the vehicle at his risk.

(4) An operator who fails or refuses to stop and submit the vehicle and load to a measurement or weighing, or who fails or refuses when directed by a peace officer, special function officer, or port-of-entry agent to comply with this section is guilty of a class B misdemeanor.

(5) Any driver or owner of a vehicle who violates Section 72-7-404 or 72-7-406 is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-406. Oversize permits and oversize and overweight permits for

vehicles of excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions -- Penalty.

(1) (a) The department may, upon receipt of an application and good cause shown, issue in writing an oversize permit or an oversize and overweight permit. The oversize permit or oversize and overweight permit may authorize the applicant to operate or move upon a highway:

(i) a vehicle or combination of vehicles, unladen or with a load weighing more than the maximum weight specified in Section 72-7-404 for any wheel, axle, group of axles, or total gross weight; or

(ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or length provisions under Section 72-7-402 or draw-bar length restriction under Subsection 72-7-403(1)(a).

(b) Except as provided under Subsection (8), an oversize and overweight permit may not be issued under this section to allow the transportation of a load that is reasonably divisible.

(c) The maximum size or weight authorized by a permit under this section shall be within limits that do not impair the state's ability to qualify for federal-aid highway funds.

(d) The department may deny or issue a permit under this section to protect the safety of the traveling public and to protect highway foundation, surfaces, or structures from undue damage by one or more of the following:

(i) limiting the number of trips the vehicle may make;

(ii) establishing seasonal or other time limits within which the vehicle may operate or move on the highway indicated;

(iii) requiring security in addition to the permit to compensate for any potential damage by the vehicle to any highway; and

(iv) otherwise limiting the conditions of operation or movement of the vehicle.

(e) Prior to granting a permit under this section, the department shall approve the route of any vehicle or combination of vehicles.

(2) An application for a permit under this section shall state:

(a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each vehicle or combination of vehicles;

(b) the proposed maximum load size and maximum size of each vehicle or combination of vehicles;

(c) the specific roads requested to be used under authority of the permit; and

(d) if the permit is requested for a single trip or if other seasonal limits or time limits apply.

(3) Each oversize permit or oversize and overweight permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be available for inspection by any peace officer, special function officer, port of entry agent, or other personnel authorized by the department.

(4) A permit under this section may not be issued or is not valid unless the vehicle or combination of vehicles is:

(a) properly registered for the weight authorized by the permit; or

(b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden weight authorized by the permit exceeds 80,000 pounds.

(5) (a) (i) An oversize permit may be issued under this section for a vehicle or combination of vehicles that exceeds one or more of the maximum width, height, or length provisions under Section 72-7-402.

(ii) Except for an annual oversize permit for an implement of husbandry under Section 72-7-407 or for an annual oversize permit issued under Subsection (5)(a)(iii), only a single trip oversize permit may be issued for a vehicle or combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long.

(iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the issuance of an annual oversize permit for a vehicle or combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long if the department determines that the permit is needed to accommodate highway transportation needs for multiple trips on a specified route.

(b) The fee is \$30 for a single trip oversize permit under this Subsection (5). This permit is valid for not more than 96 continuous hours.

(c) The fee is \$75 for a semiannual oversize permit under this Subsection (5). This permit is valid for not more than 180 continuous days.

(d) The fee is \$90 for an annual oversize permit under this Subsection (5). This permit is valid for not more than 365 continuous days.

(6) (a) An oversize and overweight permit may be issued under this section for a vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more of the maximum weight provisions of Section 72-7-404 up to a gross weight of 125,000 pounds.

(b) The fee is \$60 for a single trip oversize and overweight permit under this Subsection (6). This permit is valid for not more than 96 continuous hours.

(c) A semiannual oversize and overweight permit under this Subsection (6) is valid for not more than 180 continuous days. The fee for this permit is:

(i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 125,000 pounds.

(d) An annual oversize and overweight permit under this Subsection (6) is valid for not more than 365 continuous days. The fee for this permit is:

(i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 125,000 pounds.

(7) (a) A single trip oversize and overweight permit may be issued under this section for a vehicle or combination of vehicles carrying a nondivisible load that exceeds:

(i) one or more of the maximum weight provisions of Section 72-7-404; or

(ii) a gross weight of 125,000 pounds.

(b) (i) The fee for a single trip oversize and overweight permit under this

Subsection (7), which is valid for not more than 96 continuous hours, is \$.012 per mile for each 1,000 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).

(ii) The minimum fee that may be charged under this Subsection (7) is \$80.

(iii) The maximum fee that may be charged under this Subsection (7) is \$540.

(c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded up to the nearest 50 mile increment.

(ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up to the nearest 25,000 pound increment.

(iii) The dollar amount used to calculate the fee under this Subsection (7) shall be rounded to the nearest \$10 increment.

(8) (a) An oversize and overweight permit may be issued under this section for a vehicle or combination of vehicles carrying a divisible load if:

(i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and

(ii) the length of the vehicle or combination of vehicles is:

(A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) or Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length and the application is for a single trip, semiannual trip, or annual trip permit; or

(B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo carrying length and the application is for an annual trip permit.

(b) The fee is \$60 for a single trip oversize and overweight permit under this Subsection (8). The permit is valid for not more than 96 continuous hours.

(c) The fee for a semiannual oversize and overweight permit under this Subsection (8), which permit is valid for not more than 180 continuous days is:

(i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 129,000 pounds.

(d) The fee for an annual oversize and overweight permit under this Subsection (8), which permit is valid for not more than 365 continuous days is:

(i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more than 80,000 pounds, but not exceeding 84,000 pounds;

(ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more than 84,000 pounds, but not exceeding 112,000 pounds; and

(iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more than 112,000 pounds, but not exceeding 129,000 pounds.

(9) Permit fees collected under this section shall be credited monthly to the Transportation Fund.

(10) The department shall prepare maps, drawings, and instructions as guidance when issuing permits under this section.

(11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the issuance and revocation of all permits under this section and Section 72-7-407.

(12) Any person who violates any of the terms or conditions of a permit issued

under this section:

- (a) may have the person's permit revoked; and
- (b) is guilty of a class B misdemeanor, except that a violation of any rule made under Subsection (11) is not subject to a criminal penalty.

Amended by Chapter 304, 2012 General Session

72-7-407. Implements of husbandry -- Escort vehicle requirements -- Oversize permit -- Penalty.

(1) As used in this section, "escort vehicle" means a motor vehicle, as defined under Section 41-1a-102, that has its emergency warning lights operating, and that is being used to warn approaching motorists by either preceding or following a slow or oversized vehicle, object, or implement of husbandry being moved on the highway.

(2) An implement of husbandry being moved on a highway shall be accompanied by:

(a) front and rear escort vehicles when the implement of husbandry is 16 feet in width or greater unless the implement of husbandry is moved by a farmer or rancher or the farmer or rancher's employees in connection with an agricultural operation; or

(b) one or more escort vehicles when the implement of husbandry is traveling on a highway where special hazards exist related to weather, pedestrians, other traffic, or highway conditions.

(3) In addition to the requirements of Subsection (2), a person may not move an implement of husbandry on a highway during hours of darkness without lights and reflectors as required under Section 41-6a-1608 or 41-6a-1609.

(4) (a) Except for an implement of husbandry moved by a farmer or rancher or the farmer's or rancher's employees in connection with an agricultural operation, a person may not move an implement of husbandry on the highway without:

- (i) an oversize permit obtained under Section 72-7-406 if required;
- (ii) trained escort vehicle drivers and approved escort vehicles when required under Subsection (2); and
- (iii) compliance with the vehicle weight requirements of Section 72-7-404.

(b) (i) The department shall issue an annual oversize permit for the purpose of allowing the movement of implements of husbandry on the highways in accordance with this chapter.

(ii) The permit shall require the applicant to obtain verbal permission from the department for each trip involving the movement of an implement of husbandry 16 feet or greater in width.

(5) Any person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 140, 2008 General Session

Amended by Chapter 382, 2008 General Session

72-7-408. Highway authority -- Restrictions on highway use -- Erection and maintenance of signs designating restrictions -- Penalty.

(1) (a) Subject to Subsection (1)(b), a highway authority may by rule or ordinance prescribe procedures and criteria which prohibit the operation of any vehicle

or impose restrictions on the weight of a vehicle upon any highway under its jurisdiction.

(b) A highway authority may impose restrictions for a highway under Subsection (1)(a) if an engineering inspection concludes that, due to deterioration caused by climatic conditions, a highway will be seriously damaged or destroyed unless certain vehicles are prohibited or vehicle weights are restricted.

(2) The highway authority imposing restrictions under this section shall erect signs citing the provisions of the rule or ordinance at each end of that portion of any highway affected. The restriction is effective only when the signs are erected and maintained.

(3) Any person who violates any restriction imposed under the authority of this section is guilty of a class B misdemeanor.

Amended by Chapter 37, 2001 General Session

72-7-409. Loads on vehicles -- Limitations -- Confining, securing, and fastening load required -- Penalty.

(1) As used in this section:

(a) "Agricultural product" means any raw product which is derived from agriculture, including silage, hay, straw, grain, manure, and other similar product.

(b) "Vehicle" has the same meaning set forth in Section 41-1a-102.

(2) A vehicle may not be operated or moved on any highway unless the vehicle is constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

(3) (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless:

(i) the highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and

(ii) the outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle.

(b) In addition to the requirements under Subsection (2), a vehicle carrying trash or garbage shall have a covering over the entire load.

(c) The following material is exempt from the provisions of Subsection (3)(a):

(i) hot mix asphalt;

(ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form not susceptible to being blown out of the vehicle;

(iii) material being transported across a highway between two parcels of property that would be contiguous but for the highway that is being crossed; and

(iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers, bags, or packaging.

(d) A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long as the chemical substance remains effective at confining the load.

(4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry carrying an agricultural product, if the agricultural product is:

(a) being transported in a manner which is not a hazard or a potential hazard to

the safe operation of the vehicle or to other highway users; and

(b) loaded in a manner that only allows minimal spillage.

(5) (a) An authorized vehicle performing snow removal services on a highway is exempt from the requirements of this section.

(b) This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.

(6) A person may not operate a vehicle with a load on any highway unless the load and any load covering is fastened, secured, and confined to prevent the covering or load from becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to other highway users.

(7) Before entering a highway, the operator of a vehicle carrying any material listed under Subsection (3), shall remove all loose material on any portion of the vehicle not designed to carry the material.

(8) (a) Any person who violates this section is guilty of a class B misdemeanor.

(b) A person who violates a provision of this section shall be fined not less than:

(i) \$200 for a violation; or

(ii) \$500 for a second or subsequent violation within three years of a previous violation of this section.

(c) A person who violates a provision of this section while operating a commercial vehicle as defined in Section 72-9-102 shall be fined:

(i) not less than \$500 for a violation; or

(ii) \$1,000 for a second or subsequent violation within three years of a previous violation of this section.

Amended by Chapter 365, 2013 General Session

72-7-501. Purpose of part -- Utah-Federal Agreements ratified.

(1) The purpose of this part is to provide the statutory basis for the regulation of outdoor advertising consistent with zoning principles and standards and the public policy of this state in providing public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in highways, to preserve the natural scenic beauty of lands bordering on highways, and to ensure that outdoor advertising shall be continued as a standardized medium of communication throughout the state so that it is preserved and can continue to provide general information in the specific interest of the traveling public safely and effectively.

(2) It is the purpose of this part to provide a statutory basis for the reasonable regulation of outdoor advertising consistent with the customary use, zoning principles and standards, the protection of private property rights, and the public policy relating to areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and the national highway systems highways.

(3) The agreement entered into between the governor of the state of Utah and the Secretary of Transportation of the United States dated January 18, 1968, regarding the size, lighting, and spacing of outdoor advertising which may be erected and maintained within areas adjacent to the interstate, federal aid primary highway existing as of June 1, 1991, and national highway systems highways which are zoned commercial or industrial or in other unzoned commercial or industrial areas as defined

pursuant to the terms of the agreement is hereby ratified and approved, subject to subsequent amendments.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-502. Definitions.

As used in this part:

(1) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on the main traveled way of a street or highway within the visibility area.

(2) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following are commercial or industrial activities:

(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;

(b) transient or temporary activities;

(c) activities not visible from the main-traveled way;

(d) activities conducted in a building principally used as a residence; and

(e) railroad tracks and minor sidings.

(3) (a) "Commercial or industrial zone" means only:

(i) those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(ii) those areas within the boundaries of urbanized counties that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(iii) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns that:

(A) are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under comprehensive local zoning ordinances or regulations or enabling state legislation; and

(B) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way; or

(iv) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way that are reserved for business, commerce, or trade under enabling state legislation or comprehensive local zoning ordinances or regulations, and are actually used for commercial or industrial purposes.

(b) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of allowing outdoor advertising.

(4) "Comprehensive local zoning ordinances or regulations" means a municipality's comprehensive plan required by Section 10-9a-401, the municipal zoning plan authorized by Section 10-9a-501, and the county master plan authorized by

Sections 17-27a-401 and 17-27a-501. Property that is rezoned by comprehensive local zoning ordinances or regulations is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor advertising.

(5) "Directional signs" means signs containing information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, that the department considers to be in the interest of the traveling public.

(6) (a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being.

(b) "Erect" does not include any activities defined in Subsection (6)(a) if they are performed incident to the change of an advertising message or customary maintenance of a sign.

(7) "Highway service zone" means a highway service area where the primary use of the land is used or reserved for commercial and roadside services other than outdoor advertising to serve the traveling public.

(8) "Information center" means an area or site established and maintained at rest areas for the purpose of informing the public of:

(a) places of interest within the state; or

(b) any other information that the department considers desirable.

(9) "Interchange or intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration lanes, or feeder systems, from or to another federal, state, county, city, or other route.

(10) "Maintain" means to allow to exist, subject to the provisions of this chapter.

(11) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an act of God.

(12) "Main-traveled way" means the through traffic lanes, including auxiliary lanes, acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads and ramps. For a divided highway, there is a separate main-traveled way for the traffic in each direction.

(13) "Major sponsor" means a sponsor of a public assembly facility or of a team or event held at the facility where the amount paid by the sponsor to the owner of the facility, to the team, or for the event is at least \$100,000 per year.

(14) "Official signs and notices" means signs and notices erected and maintained by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out official duties or responsibilities in accordance with direction or authorization contained in federal, state, or local law.

(15) "Off-premise signs" means signs located in areas zoned industrial, commercial, or H-1 and in areas determined by the department to be unzoned industrial or commercial that advertise an activity, service, event, person, or product located on premises other than the premises at which the advertising occurs.

(16) "On-premise signs" means signs used to advertise the major activities conducted on the property where the sign is located.

(17) "Outdoor advertising" means any outdoor advertising structure or outdoor

structure used in combination with an outdoor advertising sign or outdoor sign within the outdoor advertising corridor which is visible from a place on the main-traveled way of a controlled route.

(18) "Outdoor advertising corridor" means a strip of land 350 feet wide, measured perpendicular from the edge of a controlled highway right-of-way.

(19) "Outdoor advertising structure" or "outdoor structure" means any sign structure, including any necessary devices, supports, appurtenances, and lighting that is part of or supports an outdoor sign.

(20) "Point of widening" means the point of the gore or the point where the intersecting lane begins to parallel the other lanes of traffic, but the point of widening may never be greater than 2,640 feet from the center line of the intersecting highway of the interchange or intersection at grade.

(21) "Public assembly facility" means a convention facility as defined under Section 59-12-602 and that:

(a) includes all contiguous interests in land, improvements, and utilities acquired, constructed, and used in connection with the operation of the public assembly facility, whether the interests are owned or held in fee title or a lease or easement for a term of at least 40 years, and regardless of whether the interests are owned or operated by separate governmental authorities or districts;

(b) is wholly or partially funded by public money;

(c) requires a person attending an event at the public assembly facility to purchase a ticket or that otherwise charges for the use of the public assembly facility as part of its regular operation; and

(d) has a minimum and permanent seating capacity of at least 10,000 people.

(22) "Public assembly facility sign" means a sign located on a public assembly facility that only advertises the public assembly facility, major sponsors, events, the sponsors of events held or teams playing at the facility, and products sold or services conducted at the facility.

(23) "Relocation" includes the removal of a sign from one situs together with the erection of a new sign upon another situs in a commercial or industrial zoned area as a substitute.

(24) "Relocation and replacement" means allowing all outdoor advertising signs or permits the right to maintain outdoor advertising along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system highways to be maintained in a commercial or industrial zoned area to accommodate the displacement, remodeling, or widening of the highway systems.

(25) "Remodel" means the upgrading, changing, alteration, refurbishment, modification, or complete substitution of a new outdoor advertising structure for one permitted pursuant to this part and that is located in a commercial or industrial area.

(26) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.

(27) "Scenic or natural area" means an area determined by the department to have aesthetic value.

(28) "Traveled way" means that portion of the roadway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

(29) (a) "Unzoned commercial or industrial area" means:

(i) those areas not zoned by state law or local law, regulation, or ordinance that are occupied by one or more industrial or commercial activities other than outdoor advertising signs;

(ii) the lands along the highway for a distance of 600 feet immediately adjacent to those activities; and

(iii) lands covering the same dimensions that are directly opposite those activities on the other side of the highway, if the department determines that those lands on the opposite side of the highway do not have scenic or aesthetic value.

(b) In measuring the scope of the unzoned commercial or industrial area, all measurements shall be made from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be along or parallel to the edge of pavement of the highway.

(c) All signs located within an unzoned commercial or industrial area become nonconforming if the commercial or industrial activity used in defining the area ceases for a continuous period of 12 months.

(30) "Urbanized county" means a county with a population of at least 125,000 persons.

(31) "Visibility area" means the area on a street or highway that is:

(a) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

(b) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:

(i) perpendicular to the street or highway; and

(ii) 500 feet from the base of the billboard.

Amended by Chapter 346, 2011 General Session

72-7-503. Advertising -- Permit required -- Penalty for violation.

(1) It is unlawful for any person to place any form of advertising upon any part of the public domain, or within 300 feet of a public highway, except within the corporate limits of a city or town, and except upon land in private ownership situated along the highway, without first receiving a permit from the department, if a state highway, or from the county executive, if a county road.

(2) Any person who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-504. Advertising prohibited near interstate or primary system -- Exceptions -- Logo advertising -- Department rules.

(1) Outdoor advertising that is capable of being read or comprehended from any place on the main-traveled way of an interstate or primary system may not be erected or maintained, except:

(a) directional and other official signs and notices authorized or required by law, including signs and notices pertaining to natural wonders and scenic and historic

attractions, informational or directional signs regarding utility service, emergency telephone signs, buried or underground utility markers, and above ground utility closure signs;

(b) signs advertising the sale or lease of property upon which they are located;

(c) signs advertising activities conducted on the property where they are located, including signs on the premises of a public assembly facility as provided in Section 72-7-504.5;

(d) signs located in a commercial or industrial zone;

(e) signs located in unzoned industrial or commercial areas as determined from actual land uses; and

(f) logo advertising under Subsection (2).

(2) (a) The department may itself or by contract erect, administer, and maintain informational signs on the main-traveled way of an interstate or primary system for the display of logo advertising and information of interest to the traveling public if:

(i) the department complies with Title 63G, Chapter 6a, Utah Procurement Code, in the lease or other contract agreement with a private party for the sign or sign space; and

(ii) the private party for the lease of the sign or sign space pays an amount set by the department to be paid to the department or the party under contract with the department under this Subsection (2).

(b) The amount shall be sufficient to cover the costs of erecting, administering, and maintaining the signs or sign spaces.

(c) The department may consult the Governor's Office of Economic Development in carrying out this Subsection (2).

(3) (a) Revenue generated under Subsection (2) shall be:

(i) applied first to cover department costs under Subsection (2); and

(ii) deposited in the Transportation Fund.

(b) Revenue in excess of costs under Subsection (2)(a) shall be deposited in the General Fund as a dedicated credit for use by the Governor's Office of Economic Development no later than the following fiscal year.

(4) Outdoor advertising under Subsections (1)(a), (d), (e), and (f) shall conform to the rules made by the department under Sections 72-7-506 and 72-7-507.

Amended by Chapter 347, 2012 General Session

72-7-504.5. Public assembly facility signs -- Restrictions.

(1) Signs on the premises of a public assembly facility that do not bring rental income to the owner of the public assembly facility may advertise:

(a) the name of the facility, including identifiable venues or stores within the facility; and

(b) principal or accessory products or services offered on the property and activities conducted on the property as permitted by 23 C.F.R. Section 750.709, including:

(i) events being conducted in the facility or upon the premises, including the sponsor of the current event; and

(ii) products or services sold at the facility and activities conducted on the

property that produce significant income to the operation of the facility.

(2) An advertising structure described in Subsection (1):

(a) shall be located on a public assembly facility or on a parcel contiguous to the public assembly facility;

(b) shall be under the same ownership as the public assembly facility; and

(c) may not be separated from the public assembly facility by a public road.

(3) An advertising structure described in Subsection (1) may only promote a maximum of seven major sponsors and the sponsor of a current event at any one time.

(4) An advertising structure described in Subsection (1) may not be located on narrow land held by easement or anything other than a fee interest unless it is a part of a public assembly facility.

(5) A public assembly facility is exempt from the requirement under this part to have a state outdoor advertising permit.

Amended by Chapter 346, 2011 General Session

72-7-505. Sign size -- Sign spacing -- Location in outdoor advertising corridor -- Limit on implementation.

(1) (a) Except as provided in Subsection (2), a sign face within the state may not exceed the following limits:

(i) maximum area - 1,000 square feet;

(ii) maximum length - 60 feet; and

(iii) maximum height - 25 feet.

(b) No more than two facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed the maximum allowed square footage.

(c) Two or more advertising messages on a sign face and double-faced, back-to-back, stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces enjoy common ownership.

(d) A changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less.

(e) An illumination standard adopted by any jurisdiction shall be uniformly applied to all signs, public or private, on or off premise.

(2) (a) An outdoor sign structure located inside the unincorporated area of a nonurbanized county may have the maximum height allowed by the county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

(b) An outdoor sign structure located inside an incorporated municipality or urbanized county may have the maximum height allowed by the municipality or urbanized county for outdoor advertising structures in the commercial or industrial zone in which the sign is located. If no maximum height is provided for the location, the maximum sign height may be 65 feet above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

(3) Except as provided in Section 72-7-509:

(a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection 72-7-504(1) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign adjacent to an interstate highway or limited access primary highway, except that signs may be erected closer than 500 feet if the signs on the same side of the interstate highway or limited access primary highway are not simultaneously visible.

(b) Signs may not be located within 500 feet of any of the following which are adjacent to the highway, unless the signs are in an incorporated area:

- (i) public parks;
- (ii) public forests;
- (iii) public playgrounds;
- (iv) areas designated as scenic areas by the department or other state agency having and exercising this authority; or
- (v) cemeteries.

(c) (i) (A) Except under Subsection (3)(c)(ii), signs may not be located on an interstate highway or limited access highway on the primary system within 500 feet of an interchange, or intersection at grade, or rest area measured along the interstate highway or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

(B) Interchange and intersection distance limitations shall be measured separately for each direction of travel. A measurement for each direction of travel may not control or affect any other direction of travel.

(ii) A sign may be placed closer than 500 feet from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way, if:

(A) the sign is replacing an existing outdoor advertising use or structure which is being removed or displaced to accommodate the widening, construction, or reconstruction of an interstate, federal aid primary highway existing as of June 1, 1991, or national highway system highway; and

(B) it is located in a commercial or industrial zoned area inside an urbanized county or an incorporated municipality.

(d) The location of signs situated on nonlimited access primary highways in commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the primary highway shall not exceed the following minimum spacing criteria:

(i) Where the distance between centerlines of intersecting streets, roads, or highways is less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.

(ii) Where the distance between centerlines of intersecting streets, roads, or highways is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.

(e) All outdoor advertising shall be erected and maintained within the outdoor advertising corridor.

(4) Subsection (3)(c)(ii) may not be implemented until:

(a) the Utah-Federal Agreement for carrying out national policy relative to control of outdoor advertising in areas adjacent to the national system of interstate and defense highways and the federal-aid primary system is modified to allow the sign placement

specified in Subsection (3)(c)(ii); and

(b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state and the United States Secretary of Transportation.

Amended by Chapter 346, 2011 General Session

72-7-506. Advertising -- Regulatory power of department -- Notice requirements.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules no more restrictive than this chapter to:

(a) control the erection and maintenance of outdoor advertising along the interstate and primary highway systems;

(b) provide for enforcement of this chapter;

(c) establish the form, content, and submittal of applications to erect outdoor advertising; and

(d) establish administrative procedures.

(2) In addition to all other statutory notice requirements:

(a) the department shall give reasonably timely written notice to all outdoor advertising permit holders of any changes or proposed changes in administrative rules made under authority of this part; and

(b) any county, municipality, or governmental entity shall, upon written request, give reasonably timely written notice to all outdoor advertising permit holders within its jurisdiction of any change or proposed change to the outdoor or off-premise advertising provisions of its zoning provisions, codes, or ordinances.

Amended by Chapter 382, 2008 General Session

72-7-507. Advertising -- Permits -- Application requirements -- Duration -- Fees.

(1) (a) Outdoor advertising may not be maintained without a current permit.

(b) Applications for permits shall be made to the department on forms furnished by it.

(c) A permit must be obtained prior to installing each outdoor sign.

(d) The application for a permit shall be accompanied by an initial fee established under Section 63J-1-504.

(2) (a) Each permit issued by the department is valid for a period of up to five years and shall expire on June 30 of the fifth year of the permit, or upon the expiration or termination of the right to use the property, whichever is sooner.

(b) Upon renewal, each permit may be renewed for periods of up to five years upon the filing of a renewal application and payment of a renewal fee established under Section 63J-1-504.

(3) Sign owners residing outside the state shall provide the department with a continuous performance bond in the amount of \$2,500.

(4) Fees may not be prorated for fractions of the permit period. Advertising copy may be changed at any time without payment of an additional fee.

(5) (a) Each sign shall have its permit continuously affixed to the sign in a

position visible from the nearest traveled portion of the highway.

(b) The permit shall be affixed to the sign structure within 30 days after delivery by the department to the permit holder, or within 30 days of the installation date of the sign structure.

(c) Construction of the sign structure shall begin within 180 days after delivery of the permit by the department to the permit holder and construction shall be completed within 365 days after delivery of the permit.

(6) The department may not accept any applications for a permit or issue any permit to erect or maintain outdoor advertising within 500 feet of a permitted sign location except to the permit holder or the permit holder's assigns until the permit has expired or has been terminated pursuant to the procedures under Section 72-7-508.

(7) Permits are transferrable if the ownership of the permitted sign is transferred.

(8) Conforming, permitted sign structures may be altered, changed, remodeled, and relocated subject to the provisions of Subsection (6).

Amended by Chapter 183, 2009 General Session

72-7-508. Unlawful outdoor advertising -- Adjudicative proceedings -- Judicial review -- Costs of removal -- Civil and criminal liability for damaging regulated signs -- Immunity for Department of Transportation.

(1) Outdoor advertising is unlawful when:

(a) erected after May 9, 1967, contrary to the provisions of this chapter;

(b) a permit is not obtained as required by this part;

(c) a false or misleading statement has been made in the application for a permit that was material to obtaining the permit; or

(d) the sign for which a permit was issued is not in a reasonable state of repair, is unsafe, or is otherwise in violation of this part.

(2) The establishment, operation, repair, maintenance, or alteration of any sign contrary to this chapter is also a public nuisance.

(3) Except as provided in Subsection (4), in its enforcement of this section, the department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.

(4) (a) The district courts shall have jurisdiction to review by trial de novo all final orders of the department under this part resulting from formal and informal adjudicative proceedings.

(b) Venue for judicial review of final orders of the department shall be in the county in which the sign is located.

(5) If the department is granted a judgment, the department is entitled to have any nuisance abated and recover from the responsible person, firm, or corporation, jointly and severally:

(a) the costs and expenses incurred in removing the sign; and

(b) (i) \$500 for each day the sign was maintained following the expiration of 10 days after notice of agency action was filed and served under Section 63G-4-201;

(ii) \$750 for each day the sign was maintained following the expiration of 40 days after notice of agency action was filed and served under Section 63G-4-201;

(iii) \$1,000 for each day the sign was maintained following the expiration of 70

days after notice of agency action was filed and served under Section 63G-4-201; and
(iv) \$1,500 for each day the sign was maintained following the expiration of 100 days after notice of agency action was filed and served under Section 63G-4-201.

(6) (a) Any person, partnership, firm, or corporation who vandalizes, damages, defaces, destroys, or uses any sign controlled under this chapter without the owner's permission is liable to the owner of the sign for treble the amount of damage sustained and all costs of court, including a reasonable attorney's fee, and is guilty of a class C misdemeanor.

(b) This Subsection (6) does not apply to the department, its agents, or employees if acting to enforce this part.

(7) The following criteria shall be used for determining whether an existing sign within an interstate outdoor advertising corridor has as its purpose unlawful off-premise outdoor advertising:

(a) whether the sign complies with this part;

(b) whether the premise includes an area:

(i) from which the general public is serviced according to normal industry practices for organizations of that type; or

(ii) that is directly connected to or is involved in carrying out the activities and normal industry practices of the advertised activities, services, events, persons, or products;

(c) whether the sign generates revenue:

(i) arising from the advertisement of activities, services, events, or products not available on the premise according to normal industry practices for organizations of that type;

(ii) arising from the advertisement of activities, services, events, persons, or products that are incidental to the principal activities, services, events, or products available on the premise; and

(iii) including the following:

(A) money;

(B) securities;

(C) real property interest;

(D) personal property interest;

(E) barter of goods or services;

(F) promise of future payment or compensation; or

(G) forbearance of debt;

(d) whether the purveyor of the activities, services, events, persons, or products being advertised:

(i) carries on hours of operation on the premise comparable to the normal industry practice for a business, service, or operation of that type, or posts the hours of operation on the premise in public view;

(ii) has available utilities comparable to the normal industry practice for an entity of that type; and

(iii) has a current valid business license or permit under applicable local ordinances, state law, and federal law to conduct business on the premise upon which the sign is located;

(e) whether the advertisement is located on the site of any auxiliary facility that

is not essential to, or customarily used in, the ordinary course of business for the activities, services, events, persons, or products being advertised; or

(f) whether the sign or advertisement is located on property that is not contiguous to a property that is essential and customarily used for conducting the business of the activities, services, events, persons, or products being advertised.

(8) The following do not qualify as a business under Subsection (7):

(a) public or private utility corridors or easements;

(b) railroad tracks;

(c) outdoor advertising signs or structures;

(d) vacant lots;

(e) transient or temporary activities; or

(f) storage of accessory products.

(9) The sign owner has the burden of proving, by a preponderance of the evidence, that the advertised activity is conducted on the premise.

Amended by Chapter 346, 2011 General Session

72-7-509. Existing outdoor advertising not in conformity with part -- When removal required -- When relocation allowed.

(1) Any outdoor advertising lawfully in existence along the interstate or the primary systems on May 9, 1967, and which is not then in conformity with its provisions is not required to be removed until five years after it becomes nonconforming or pursuant to the provisions of Section 72-7-510.

(2) Any existing outdoor advertising structure that does not comply with Section 72-7-505, but that is located in an industrial and commercial area, an unzoned industrial and commercial area, or an area where outdoor advertising would otherwise be permitted, may be remodeled and relocated on the same property in a commercial or industrial zoned area, or another area where outdoor advertising would otherwise be permitted under this part.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-510. Existing outdoor advertising not in conformity with part -- Procedure -- Eminent domain -- Compensation -- Relocation.

(1) As used in this section, "nonconforming sign" means a sign that has been erected in a zone or area other than commercial or industrial or where outdoor advertising is not permitted under this part.

(2) (a) The department may acquire by gift, purchase, agreement, exchange, or eminent domain, any existing outdoor advertising and all property rights pertaining to the outdoor advertising which were lawfully in existence on May 9, 1967, and which by reason of this part become nonconforming.

(b) If the department, or any town, city, county, governmental entity, public utility, or any agency or the United States Department of Transportation under this part, prevents the maintenance as defined in Section 72-7-502, or requires that maintenance of an existing sign be discontinued, the sign in question shall be considered acquired by the entity and just compensation will become immediately due and payable.

(c) Eminent domain shall be exercised in accordance with the provision of Title 78B, Chapter 6, Part 5, Eminent Domain.

(3) (a) Just compensation shall be paid for outdoor advertising and all property rights pertaining to the same, including the right of the landowner upon whose land a sign is located, acquired through the processes of eminent domain.

(b) For the purposes of this part, just compensation shall include the consideration of damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign company's interest, which remaining properties, together with the properties actually condemned, constituted an economic unit.

(c) The department is empowered to remove signs found in violation of Section 72-7-508 without payment of any compensation.

(4) Except as specifically provided in this section or Section 72-7-513, this part may not be construed to permit a person to place or maintain any outdoor advertising adjacent to any interstate or primary highway system which is prohibited by law or by any town, city, or county ordinance. Any town, city, county, governmental entity, or public utility which requires the removal, relocation, alteration, change, or termination of outdoor advertising shall pay just compensation as defined in this part and in Title 78B, Chapter 6, Part 5, Eminent Domain.

(5) Except as provided in Section 72-7-508, no sign shall be required to be removed by the department nor sign maintenance as described in this section be discontinued unless at the time of removal or discontinuance there are sufficient funds, from whatever source, appropriated and immediately available to pay the just compensation required under this section and unless at that time the federal funds required to be contributed under 23 U.S.C., Sec. 131, if any, with respect to the outdoor advertising being removed, have been appropriated and are immediately available to this state.

(6) (a) If any outdoor advertising use, structure, or permit may not be continued because of the widening, construction, or reconstruction along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, the owner shall have the option to relocate and remodel the use, structure, or permit to another location:

(i) on the same property;

(ii) on adjacent property;

(iii) on the same highway within 5280 feet of the previous location, which may be extended 5280 feet outside the areas described in Subsection 72-7-505(3)(c)(i)(A), on either side of the same highway; or

(iv) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.

(b) The relocation under Subsection (6)(a) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.

(c) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.

(d) The relocated and remodeled use or structure may be:

(i) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;

(ii) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;

(iii) relocated to a comparable vehicular traffic count.

(7) (a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (6)(a) shall pay the costs related to the relocation, remodeling, or acquisition.

(b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (6)(a), it shall pay just compensation as provided in Subsection (3).

Amended by Chapter 3, 2008 General Session

72-7-510.5. Height adjustments for outdoor advertising signs.

(1) If the view and readability of an outdoor advertising sign, including a sign that is a nonconforming sign as defined in Section 72-7-510, a noncomplying structure as defined in Sections 10-9a-103 and 17-27a-103, or a nonconforming use as defined in Sections 10-9a-103 and 17-27a-103 is obstructed due to a noise abatement or safety measure, grade change, construction, directional sign, highway widening, or aesthetic improvement made by an agency of this state, along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway or by an improvement created on real property subsequent to the department's disposal of the property under Section 72-5-111, the owner of the sign may:

(a) adjust the height of the sign; or

(b) relocate the sign to a point within 500 feet of its prior location, if the sign complies with the spacing requirements under Section 72-7-505 and is in a commercial or industrial zone.

(2) A height adjusted sign under this section does not constitute a substantial change to the sign.

(3) The county or municipality in which the outdoor advertising sign is located shall, if necessary, provide for the height adjustment or relocation by ordinance for a special exception to its zoning ordinance.

(4) (a) The height adjusted sign:

(i) may be erected:

(A) to a height to make the entire advertising content of the sign clearly visible;
and

(B) to an angle to make the entire advertising content of the sign clearly visible;
and

(ii) shall be the same size as the previous sign.

(b) The provisions of Subsection (4)(a) are an exception to the height requirements under Section 72-7-505.

Amended by Chapter 170, 2009 General Session

72-7-511. Violation of part -- Misdemeanor.

A person who violates any provision of this part is guilty of a class B

misdemeanor.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-512. Appeals by attorney general.

The attorney general may take such appeals as are provided for in 23 U.S.C., Sec. 131.

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-513. Relocation on state highways.

(1) As used in this section, "state highway" means those highways designated as state highways in Title 72, Chapter 4, Designation of State Highways, on July 1, 1999, and any subsequently designated state highway.

(2) If any outdoor advertising use or structure may not be continued because of the widening, construction, or reconstruction along a state highway, the owner shall have the option to relocate and remodel the use or structure to another location:

- (a) on the same property;
- (b) on adjacent property;
- (c) within 2640 feet of the previous location on either side of the same highway;

or

(d) mutually agreed upon by the owner and the county or municipality in which the use, structure, or permit is located.

(3) The relocation under Subsection (2) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.

(4) The county or municipality in which the use or structure is located shall, if necessary, provide for the relocation and remodeling by ordinance for a special exception to its zoning ordinance.

(5) The relocated and remodeled use or structure may be:

- (a) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;
- (b) the same size and at least the same height as the previous use or structure, but the relocated use or structure may not exceed the size and height permitted under this part;
- (c) relocated to a comparable vehicular traffic count.

(6) (a) The governmental entity, quasi-governmental entity, or public utility that causes the need for the outdoor advertising relocation or remodeling as provided in Subsection (2) shall pay the costs related to the relocation, remodeling, or acquisition.

(b) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (2)(a), (b), or (c), it shall pay just compensation as provided in Subsection 72-7-510(3).

Amended by Chapter 72, 1999 General Session

72-7-514. Landscape control program.

(1) As used in this section, "landscape control" means trimming or removal of

seedlings, saplings, trees and vegetation along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system right-of-way to provide clear visibility of outdoor advertising.

(2) (a) The department shall establish a landscape control program as provided under this section.

(b) Except as provided in this section, a person, including an outdoor advertising sign owner or business owner may not perform or cause landscape control to be performed.

(3) (a) An outdoor advertising sign owner or business owner may submit a request for landscape control to the department.

(b) Within 60 days of the request under Subsection (3)(a), the department shall:

(i) conduct a field review of the request with a representative of the sign or business owner, the department, and the Federal Highway Administration to consider the following issues listed in their order of priority:

(A) safety;

(B) protection of highway features, including right-of-way and landscaping;

(C) aesthetics; and

(D) motorists' view of the sign or business; and

(ii) notify the sign or business owner what, if any, trimming, removal, restoration, banking, or other landscape control shall be allowed as decided by the department, after consultation with the Federal Highway Administration.

(c) If the sign or business owner elects to proceed, in accordance with the decision issued under this subsection, the department shall issue a permit that describes what landscape control may be allowed, assigns responsibility for costs, describes the safety measures to be observed, and attaches any explanatory plans or other information.

(4) The department shall establish an appeals process within the department for landscape control decisions made under Subsection (3).

(5) (a) A person who performs landscape control in violation of this section is guilty of a class C misdemeanor, and is liable to the owner for treble the amount of damages sustained to the landscape.

(b) Each permit issued under this section shall notify the permit holder of the penalties under Subsection (5)(a).

Renumbered and Amended by Chapter 270, 1998 General Session

72-7-515. Utah-Federal Agreement -- Severability clause.

(1) As used in this section, "Utah-Federal Agreement" means the agreement relating to outdoor advertising that is described under Section 72-7-501, and it includes any modifications to the agreement that are signed on behalf of both the state and the United States Secretary of Transportation.

(2) The provisions of this part are subject to and shall be superseded by conflicting provisions of the Utah-Federal Agreement.

(3) If any provision of this part or its application to any person or circumstance is found to be unconstitutional, or in conflict with or superseded by the Utah-Federal Agreement, the remainder of this part and the application of the provision to other

persons or circumstances shall not be affected by it.

Amended by Chapter 21, 1999 General Session

72-7-516. Relocating outdoor advertising structure to maintain required distance from high voltage overhead lines.

(1) If an outdoor advertising structure needs to be moved away from a high voltage power line or lines so that the sign can be reposted or maintenance performed without having to comply with the distance or notification requirements of Section 54-8c-2, or in order to comply with distance or notification requirements imposed by the National Electrical Safety Code, International Building Code, a regulation, standard, or directive of the Occupational Safety and Health Administration or any other similar applicable regulation, then the owner shall have the option to remodel the structure at the same location or relocate and remodel the structure to another location within the same jurisdiction:

- (a) on the same property;
- (b) on adjacent property;
- (c) within 2,640 feet of the previous location on either side of the same highway;

or

(d) mutually agreed upon by the owner and the county or municipality in which the structure is located.

(2) The relocation under Subsection (1) shall be in a commercial or industrial zoned area or where outdoor advertising is permitted under this part.

(3) The county or municipality in which the structure is located shall, if necessary, provide for the relocation or remodeling by ordinance for a special exception to its zoning ordinance.

(4) The relocated and remodeled structure may be:

(a) erected to a height and angle to make it clearly visible to traffic on the main-traveled way of the highway to which it is relocated or remodeled;

(b) the same size and at least the same height as the previous structure, but the relocated structure may not exceed the size and height permitted under this part; and

(c) relocated to a location with a comparable traffic vehicular count.

(5) If a governmental entity prohibits the relocation and remodeling as provided in Subsection (1)(a), (b), or (c), it shall pay just compensation as provided in Subsection 72-7-510(3).

Amended by Chapter 330, 2006 General Session